

But, if the property bequeathed, is such that its use is its consumption, the legatee for life, takes the absolute and entire interest, and the legatee over-gets nothing.

The children of a female slave, born during the continuance of the life estate, are the property of the legatee for life.

[The complainants filed their bill in this court, on the 20th of December, 1848, in which they state, that a certain William G. Jackson, of Prince Georges county, died in the year 1831, leaving a last will and testament, by which he devised his whole estate, real, personal and mixed, to his wife, Barbara Jackson, for life, and after her death to be equally divided among his children; and appointed his wife sole executrix thereof. That said Barbara renounced, in writing, the execution of said trust, and letters of administration, *cum testamento annexo*, were granted to the defendant, William N. Burch, of said county. The bill further states, that all the children of said Jackson died prior to the time of his death—except, perhaps, one Jane Jackson, who has since died intestate, and without issue; that all the said children died without leaving issue, except Araminta, who intermarried with one Richard Wootten, of Anne Arundel county, who also died in the lifetime of the said Jackson, leaving five children, the complainants and their three sisters, Jane, Araminta and Willey Maria Wootten, all now of age. That, in early life, the complainants were separated from their sisters, and do not, therefore, know where they now live, or whether all or any of them are now alive, or whether they are married or not; or, if dead or married, who are their representatives or husbands. That Barbara Jackson, the widow of the testator, died in 1843, leaving no property; and, of course, no administration was had upon her estate.

The bill, then, charges that the defendant, Burch, possessed himself of all the personal property of the testator, and returned an inventory of a part thereof, and passed accounts in the Orphans Court of Prince Georges county, by which, it appears, that on the 11th of May, 1839, there was a clear balance due the estate, after payment of all debts, of \$516 01, which ought to have been paid over under the will, to the said Barbara, for